1877-78.
(L.R.)

F.C. No. 25
Serial No. 1-4

Sub:- The revision of Sha.
and N.A. Bs Charges
fixed by the Survey
and Settlement department

(22)

G. R. S. 58]

Previous references.

1877-78.
~~191~~ .
(L. R.)

File No. 25

Serial Nos. 1–4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–4 .

All Part B for

SUBJECT.

The revision of Shanbhogues' and patels' charges fixed by the Survey and Settlement department.

Indexed
D. Wanjmundal

W D 1351—GPB—20,000—13-12-15

V-91

1877.

From The Commissioner
Sandy Division

To

Secretary to Chief Commissioner,
General Department.

Dated 3rd August
Despatched 4th August 1877
Received 4th August "

Enclosures No. 1

General No. 85 } 1877–78.
No

Sir,

Under the circumstances represented in the accompanying Correspondence I have the honor to solicit the Chief Commissioner's authority for the revision of the Shamboges' charges referred to

I have the honor to be
Sir
Your most obedient Servt.

Commissioner

Sandy Div.
4-8-77

The permanent Vern^r of the Village Offr. in Sirsi Taluk was fined and sanctioned an allce. fm Rs 11190 by 2nd Asst. Collr. from para 11 of the Survey Supts letter No 1050 of 17 Nov 176 printed at the above proceedings it appears that the Dy Com^r was consulted by the proposals when Suh. any how I do not think the settlement should be disturbed by the Dy Com^r nor can it be revised except under the provisions of Rule 5 of the Rules sanctioned for the Investigation of Patels & Shanbhogs

Civil 9/7/11

Para 15 Govt Version of Agreements. It is impossible to upset the settlement of the Survey & appurtenances Shanbhogs' Patels' charges &c. &c. & I would therefore be glad to have the Survey Rules cancelled by Revenue Circular. Please see Rules in Rev. Suits / Reference Case / such cases by Circulars

by 10/8

There is nothing in the Rules of 1865 clearly to the point. Suits for recovery Shanbhogs relating to the office of Patel or Shanbhogue may be entertained under s 20 of the Circular issued under No 522/3 of 1865 but the amount of charges affected by Survey Deptt under s 29 033 of the Rules in Rev. Village Offrs cannot. I think the Rules. Better to remand the case to the Civil Court

Civil 1/8

No: 306.

Cuddalore District
Deputy Commissioner's
Office
Cuddalore 29th June 77

To

The Commissioner of
Tanjore Dist.

Sir,

I have the honor to solicit information as to whether it lies within the Deputy Commissioner's power to revise Shanbogues' or Potels' Charges which have been fixed by the Survey and Settlement Department.

I have &c.

(Signed) E. S. Sadler.
Offg: Dy Commissioner

From

The Commissioner
of Tanjore Division

To The Dy: Commissioner
Cuddalore Distt:

Dated 16th July 1877.

No: 329

Dy:

Docket No: 329 dated 16th Instant,
I have the honor to state that the re
ference arose in the following wise:
a Revenue Suit has been pending
in this office in which the parties
Concerned being Coneins were perfor
-ming the duties of Shanbogue of Cer
-tain Villages in the Sira Taluk by turn
and enjoying the emolument thereof;
but when the Survey Department
determined the Shanbogues' Charges
of the Taluk in Question the parties
Confirmed in the Shanbogue offices
of the Villages then held by them, amng
to which the Plaintiff in the Case
under reference alleges that he was
subjected to loss in Consequence
of the unequal division of the Villages

2/ Under these Circumstances
I solicited the favor of Your instruc
-tions as to the division of the Shanbogue
Charges which had been fixed by the
Survey Department, in order to enable
me to divide the Charges Equally and

41 Reports on Mysore

distribute the amount of Compensation
proportionately

3/ Finally, I beg to add that there
are no records in this office to shew
that the Deputy Commissioner was
consulted when the Villages were ap-
portioned to each Chambogue; the
Circular, however, alluded to was issued
some years after the Taluk in question
was settled

I have the honor to be
&c.
Your most obedt. Servant
Signed E. S. Sudlow
Offg. Dy Commr.

"Copy"
P. H. Jones Manager
for Commissioner
Trichy 9th Oct.

distribute the Amount of Compensation
proportionately

3/ Finally, I beg to add that there
are no Records in this office to shew
that the Deputy Commissioner was
Consulted when the Villages were ap-
portioned to each Shanbogue; the
Circular, however, alluded to was issued
some Years after the Salt in Question
was settled

I have the honor to be
Sir
Your most obedt Servant
Signed E. S. Sudlow
offg Dy Commr

"Copy"
P. B. Jones Manager
for Commissioner
Mundy & Dist.

1/V-91

441

1877. Revenue

From

The Secretary to the Chief Commissioner of Mysore.

To

The Survey & Settlement Commissioner

Dated 24th August

Despatched " — " —

Received

Enclosures No. 1 Original Copy of letter No. 306 of 29-4-77 from Dy Com: Tumkur to Com: Mandy

General No. 5203

R No. 115

Nandidroog Division

Commissioner's letter No. 85 of 3rd August 1877, soliciting the Chief Commissioner's permission for authorizing the Dy Commissioner of Tumkur to revise the Shanbhog's charges fixed by the Survey & Settlement Department in the Sira taluk, as a Revenue suit is pending in the Dy Commissioner's Court disputing the above Settlement.

In forwarding the above letter in original (& the enclosure mentioned in margin) I beg to request the Survey and Settlement Commissioner

Ward.

will be good enough if you
~~is requested to state whether~~
the Chief Com with his Summary
there is any reason why
disputes arising out of
the apportionment of Patels
and Shanbhogs' charges,
made by the Survey Supt
at the time of the settlement
of the permanent remuneration
of these officers, should
not be referred for
decision by the Dy Comm^r
as a Revenue Court.

By Order

Secretary

3911
23/18

B4

No. 1162 of 1877

From,

Colonel W. C. ANDERSON,

Survey and Settlement Commissioner Mysore.

To,

THE SECRETARY TO THE CHIEF COMMISSIONER,

for the Government of the Territories of His Highness

the Maharajah of Mysore.

Survey Commissioner's Office

Poona 30th August 1877

SIR,

With reference to Chief Commissioner's No. 5203/115 of the 24th instant I have the honor to make the following report:—

2 The charges of village Officers Patels and Shanbogs a fixed by the Superintendent Revenue Survey after due examination of the revenues and position of villages in regard to one another so as to obtain ts

most

most convenient arrangement
for the public service and
the due remuneration of the
village Officers. Practically these
arrangements are confined to the
Shanbogs, since there is as a
very general rule one Patel to
one village, while one Shanbog
often has hitherto held ten or
twenty villages which require to
be broken up into one or more
charges:—

3 As emoluments go with
the charge of villages, and
charges from the respective
locality of villages cannot always
be made precisely equal, but
range between the maximum
and

1877

0287
72

From,

The Survey & Settlement Commissioner

Mysore.

To,

The Secretary to the Chief Commissioner,

General Department.

Dated Poona 30th August 18

Despatched

Received

ENCLOSURES No. 1

General No. 1162

No.

Regarding permitting a re-investigation of claims of village officers by the Dist. Courts after they have been once settled.

and minimum amounts fixed by rule, it naturally happens that in Subdividing a charge one incumbent thinks that a different subdivision to that effected would be more advantageous to him than the Subdivision actually effected, and if litigation were open to him would readily resort to that means of endeavouring to obtain Some advantage, and if litigation were not open but appeal to the ordinary revenue administration were open he would try his chances there.

Q 4 It is I think in the very last degree unadvisable that

unadvisable

that any encouragement whatever
hould be given to appeals in
the settlement of village Officers
charges, in no point of admini-
stration is finality more
called for. as in no matter
will petty intrigue with public
Offices be carried to greater
lengths. The two strongest motives
in the nature of the class
of people composing the village
Officers are elicited in their
greatest intensity, the desire
of gaining something for him-
self and the desire to injure
another person, of course
without the slightest regard
for the due performance of the
duties

duties of the Office. — B.O

5 The interest of Govern-
ment is confined to the
exaction of the duties of the
Office in the most efficient
manner, the remuneration of the
Officiator is paid direct from
the treasury and the approval
of the Officiator rests entirely
in the hands of the Officers
of Government. Under these
circumstances an absolute pro
hibition or at any rate pre-
vention of litigation appears
as feasable as it is expedient.

6. While I would most
strongly advocate an entire di
scouragement of any reopening of
the

the settlement of charges, I would advocate the provision of some defined mode of examining Special cases in which by error or oversight some arrangement open to objection on public grounds may have been made. In grounds of private convenience I would allow no case to be reopened, and to this end I would propose that for one year after the introduction of the permanent remuneration any necessary changes in charges may be made by the Deputy Commissioner and Superintendent of Survey and Settlement in concert, the object and necessity

Lost

for the change being set forth by the Officer proposing it in an English Memo but no such changes should be proposed or agreed to except on clear public grounds duly set forth:—

7 The Deputy Commissioner of Toomkoor gives no particulars whatever of the nature of the case referred to by him, or even of the Talooka in which it has occurred so I can give no opinion whatever regarding it. But in no case of permanent remuneration being introduced are the charges fixed by the Superintendent of Settlement without the concurrence of the

Deputy

Deputy Commissioner :—

3 In the South of the Bombay Presidency the state of things as regards village Officers is identical with that in Mysore and their remuneration is provided for under Rules identical in principle. So much trouble was caused by appeals and complaints from the decisions of the local Officers and the intrigue in connection with these appeals and complaints had become such a scandal that Bombay Act III[×] of 1874 commonly called the Watandar Act was passed for the purpose of regulating the course of procedure in

[×] No. III of 1874 available.

in these cases and placing them beyond the sphere of petty intrigue.

Your obedient Servant

[redacted]

Survey & Settlt. Commissioner

of Mysore

Revenue

Letter No 85 of 3rd August 1877
from the Commissioner, Nandidrug
Division, with Enclosure.

Docket No 5203 of 24th
R. 115
August 1877, to the Survey &
Settlement Commissioner.

Letter No 1162 of 30 Aug/77
from do

may be forwarded
in extenso

Secs
Recommitted

S14

Order thereon:-

The Chief Commissioner
fully concurs in the views
expressed by the Survey Comr
and directs that the course
suggested in para 6 be adopted
in special cases in which
it may be deemed necessary
to rectify any error or
oversight on the part of the
Survey Department in
effecting a division or
distribution of charges.

Secretary.

The Chief Commissioner concurs in the opinion expressed by the Head Ct Assistant that the application for the work of apportioning the Shanbogs' dues has been effected by the Survey Department and that the facilities thereby afforded to the Settlement Officers in the prosecution of the New Cowle may be made the means of oppressive litigation. When any change is called for in public grounds, the

To
The Survey & Settlt Commr
Supdt of Revenue Survey
Commrs of Divisions
Dy Commrs of Districts

1877

Government of Mysore

Revenue

To The Survey & Settlement Co
" Supt^t of Rev: Survey
" Comm^r of Divisions
" Dy: Comm^r of Distric

Dated 18th September
Despd
Rec^d 2[illegible]

14/9

No. 6006
14

2 Pages

2·10

14/9

Rec^d 25/2/
18-9-

Power of the Dy: Comm^r to revise Shanbhog's and Patels' charges fixed by the Survey and Settlement Dep^t

Passing orders on the ques raised by the Dy: Comm^r of Tumkur and concurring in the opinion expressed by the Survey & Settlement Comm^r on the subjects -

35 Copies despd
1 Translation
1 Attached to Draft
13 Reserve
50

0810

Inquiry and process
as in the case referred
to in the preceding
item.

Prest

To Surveyor Gen'l Colo
- ~~Land~~ Supt Rev Survey
- Comm'r of Draft
- Dr Comm'r of Patents

taking of the proposed
Act for settling by
the Dep. Comm., as soon
after the settlement
as possible, and in
a Village in which
the Justices of the Sup
Court Survey a Settl, who
will take action thereon
if deemed proper, to
consult the Dep
Comm. In case of
doubt or difference the
decision of the Comm of
the Dist. shall be in
accordance with the
Rules & Regulations
made by the Comm of
the Dist. which shall in
all cases be applied by the
Dep Comm.

3 In cases where the decision
is deemed by
the parties themselves
or any one of them,
applicable must be made
within one year after
the date of the settlement
of such disputed claim and
in the event of
the application being
deemed reasonable &
proper one, the Dep
Comm shall
substitute the necessary

Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 18th September 1877.

From the Commissioner, Nundydroog Division, To the Secretary to the Chief Commissioner of Mysore, General Department, No. R. 85, dated 3rd August 1877.

Under the circumstances represented in the accompanying correspondence, I have the honor to solicit the Chief Commissioner's authority for the revision of the Shanbhogs' charges referred to.

From the Offg. Deputy Commissioner, Túmkúr District, To the Commissioner of the Nundydroog Division, No. 306, dated Túmkúr, 29th June 1877.

I have the honor to solicit information as to whether it lies within the Deputy Commissioner's power to revise Shanbhogs' or Patels' charges which have been fixed by the Survey and Settlement Department.

From the Commissioner, Nundydroog Division, To the Offg. Deputy Commissioner, Túmkúr District, No. 329, dated 16th July 1877.

Deputy Commissioner's No. 306 of the 29th ultimo.

Requests to be informed of the taluk in which the Deputy Commissioner wishes to revise Shanbhogs' or Patels' charges, and whether the Deputy Commissioner was consulted and his opinion obtained when the villages were apportioned to each Patel and Shanbhog in the taluk by the Survey Department, as laid down in the concluding para of the Chief Commissioner's Proceedings No. 6118—R. 189, dated 22nd September 1876.

From the Offg. Deputy Commissioner Túmkúr District, To the Commissioner, Nundydroog Division, No. 427, dated Túmkúr, 27th July 1877.

With reference to your docket No. 329, dated 16th instant, I have the honor to state that the reference arose in the following wise: a revenue suit h[illegible]ending in this office in which the parties concerned being cousins were performing the duties of [illegible]bhog of certain villages in the Sira Taluk by turns and enjoying the emoluments thereof; but when the Survey Department determined the Shanbhogs' charges of the taluk in question, the parties were confirmed in the Shanbhog office of the villages then held by them, owing to which the plaintiff in the case under reference alleges that he was subjected to loss in consequence of the unequal division of the villages.

2. Under these circumstances I solicited the favor of your instructions as to the revision of the Shanbhogs' charges which had been fixed by the Survey Department, in order to enable me to divide the charges equally and distribute the amount of compensation proportionately.

3. Finally, I beg to add that there are no records in this office to shew that the Deputy Commissioner was consulted when the villages were apportioned to each Shanbhog; the circular, however, alluded to was issued some years after the taluk in question was settled.

From the Survey and Settlement Commissioner, Mysore, To the Secretary to the Chief Commissioner of Mysore, General Department, No. 1162, dated Poona, 30th August 1877.

With reference to Chief Commissioner's No. *5203—115 of the 24th instant, I have the honor to make the following report.

*Accompaniment returned.

2. The charges of village officers, Patels and Shanbhogs, are fixed by the Superintendent, Revenue Survey, after due examination of the revenues and position of villages in regard to one another so as to obtain the most convenient arrangement for the public service and the due remuneration of the village officers. Practically these arrangements are confined to the Shanbhogs, since there is as a very general rule one Patel to one village, while one Shanbhog often has hitherto held ten or twenty villages which require to be broken up into one or more charges.

3. As emoluments go with the charge of villages, and charges from the respective locality of villages cannot always be made precisely equal, but range between the maximum and minimum amounts fixed by rule; it naturally happens that in sub-dividing a charge one incumbent thinks that a different sub-division to that effected would be more advantageous to him than the sub-division actually effected,

and if litigation were open to him would readily resort to that means of endeavouring to obtain some advantage, and if litigation were not open but appeal to the ordinary revenue administration were open, he would try his chances there.

4. It is I think in the very last degree inadvisable that any encouragement whatever should be given to appeals in the settlement of village officers' charges; in no point of administration is finality more called for, as in no matter will petty intrigue with public officers be carried to greater lengths. The two strongest motives in the nature of the class of people composing the village officers are elicited in their greatest intensity, the desire of gaining something for himself and the desire to injure another person, of course without the slightest regard for the due performance of the duties of the office.

5. The interest of Government is confined to the exaction of the duties of the office in the most efficient manner, the remuneration of the officiator is paid direct from the treasury and the approval of the officiator rests entirely in the hands of the officers of Government. Under these circumstances an absolute prohibition or at any rate prevention of litigation appears as feasible as it is expedient.

6. While I would most strongly advocate an entire discouragement of any re-opening of the settlement of charges, I would advocate the provision of some defined mode of examining special cases in which by error or oversight some arrangement open to objection on public grounds may have been made. On grounds of private convenience I would allow no case to be re-opened, and to this end I would propose that for one year after the introduction of the permanent remuneration any necessary changes in charges may be made by the Deputy Commissioner and Superintendent of Survey and Settlement in concert, the object and necessity for the change being set forth by the officer proposing it in an English memo; but no such changes should be proposed or agreed to except on clear public grounds duly set forth.

7. The Deputy Commissioner of Tumkur gives no particulars whatever of the nature of the case referred to by him, or even of the taluk in which it has occurred so, I can give no opinion whatever regarding it. But in no case of permanent remuneration being introduced are the charges fixed by the Superintendent of Settlement without the concurrence of the Deputy Commissioner.

8. In the south of the Bombay Presidency the state of things as regards village officers is identical with that in Mysore, and their remuneration is provided for under rules identical in principle. So much trouble was caused by appeals and complaints from the decisions of the local officers and the intrigue in connection with these appeals and complaints had become such a scandal, that Bombay Act III of 1874, commonly called the Wattandar Act, was passed for the purpose of regulating the course of procedure in these cases and placing them beyond the [redacted] of petty intrigue.

No. 6006—Rev. 14, dated Bangalore, 18th September 1877.

Order thereon.—The Chief Commissioner concurs in the opinion expressed by the Honorable Colonel Anderson that after the work of apportioning the Shanbhogs' charges has been effected by the Survey Department, no facilities should be given to disturbing the settlement, and there is no question that even the process of the revenue courts may be made the means of oppressive litigation.

2. Where any change is called for on public grounds, the nature of the proposal should be set forth by the Deputy Commissioner, as soon after the settlement as possible, in a memorandum to be furnished to the Superintendent of Revenue Survey and Settlement, who will take action thereon, if deemed proper, in concert with the Deputy Commissioner. In cases of doubt a reference should be made to the Commissioner of the Division to whom the proceedings will, in all cases, be reported by the Deputy Commissioner.

3. In cases where the revision is desired by the parties themselves or any one of them, the application must be made within one year after the date of the settlement, and in the event of the application being deemed a reasonable and proper one, the Deputy Commissioner should institute the necessary enquiry and proceed as in the case referred to in the preceding para.

T. CLARKE,
Secretary.

To—The Survey and Settlement Commissioner.
„ Superintendent, Revenue Survey. Three Spare Copies
„ Commissioners of Divisions.— Two Do Do
„ Deputy Commissioners of Districts. Two Do — Do

35 Spare copies despd
1 To Appellant
1 attached to Draft
13 Reserve
50

1877.

GOVERNMENT OF MYSORE.

REVENUE.

THE SURVEY AND SETT. COMMR.
" SUPT., REVENUE SURVEY.
" COMMISSIONERS OF DIVISIONS.
" DY. COMMISSIONERS OF DISTRICTS.

Dated September 18th.
Despatched " 25th "
Received Sept 4th Octr.

No. 6006.
Rev. 14.

Power of the Deputy Commissioners to revise Shanbhogs and Patels' charges fixed by the Survey and Settlement Department.—Passing orders on the question raised by the Deputy Commissioner of Túmkúr, and concurring in the opinion expressed by the Survey and Settlement Commissioner on the subject.